

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:

Lifschultz Estate Management, LLC,

Chapter 11  
Case No. 16-23144 (RDD)

Debtor.  
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**ORDER DENYING MOTION OF LAWRENCE LIFSCHULTZ FOR  
ORDER TO SHOW CAUSE POSTPONING AUCTION SALE**

Laurance Lifschultz (the “Movant”) having submitted to the Court by email at 3:28 p.m. on January 18, 2018 the *Affidavit by Lawrence Lifschultz in Support of the Order to Show Cause Pursuant to Rule 9077-1(a) to Postpone the Sale at Auction of the Property (Beaumere) of the Debtor Scheduled for January 19, 2018* (the “Motion”), seeking an order postponing the sale of certain property (the “Property”) of the above-captioned debtor (the “Debtor”) pending further state court litigation; and the Motion not having been filed with the Court, and it appearing that due and proper notice and service of the Motion has been made on all necessary parties; and on June 5, 2017 the Court having entered an order (the “Confirmation Order”) confirming the Debtor’s Second Amended Liquidating Chapter 11 Plan (the “Plan”), which provides for the sale of the Property as set forth therein; and the Confirmation Order being a final order no longer subject to appeal; and, consistent with the Plan, the Debtor having filed on December 5, 2017 its unopposed *Motion to Sell Property Free and Clear of Liens Under Section 363(f), Approve Sale Procedures and Schedule Auction Sale of Debtor’s Real Property Located at 220 Hommocks Rd., Larchmont, NY* (the “Sale Procedures Motion”), and on January 3, 2018 the Court having entered an order granting the Sale Procedures Motion (the “Sale Procedures Order”), which is a final order no longer subject to appeal; and the Sale Procedures Order providing for the auction

sale of the Property on January 19, 2018 only if any Qualified Competing Bids (as defined in the Sale Procedures Order) were received by Debtor's counsel by the January 16, 2018 5:00 p.m. deadline stated therein; and the Debtor having filed on January 17, 2018 the *Debtor's Report of Qualified Bids and Cancellation of Auction* stating that no Qualified Competing Bids were received and that, under the terms of the Sale Procedures Order, the auction of the Property is therefore cancelled; and it appearing that under the Plan, the Confirmation Order and the Sale Procedures Order the Debtor is required to seek approval of the non-auction sale of the Property to LSF9 Master Participation Trust in the present circumstances, and, therefore, the Court having determined that the stated purpose of the Motion is moot; and it further appearing that the relief sought by the Motion is, in the alternative, inconsistent with and precluded by the Plan, the Confirmation Order and the Sale Procedures Order, which are binding on the Movant, it is hereby

ORDERED that the Motion is denied.

Dated: January 22, 2018  
White Plains, New York

/s/Robert D. Drain

**UNITED STATES BANKRUPTCY JUDGE**